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*Attorneys for Plaintiff*  
ORACLE AMERICA, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

Case No. CV 10-03561 WHA

**DECLARATION OF MATTHEW  
SARBORARIA IN SUPPORT OF  
ORACLE'S REQUEST FOR ACCESS  
TO ATTORNEYS' EYES ONLY  
INFORMATION**

Date & Time: May 31, 2011 at 11:30 a.m.  
Dept: Courtroom 4, 3rd Floor  
Judge: Honorable Donna M. Ryu

1 I, Matthew Sarboraria, declare as follows:

2 1. I am an attorney at law, licensed to practice in the State of California and before  
3 this Court. I have personal knowledge of the facts stated in this declaration and could testify  
4 competently to such facts if called as a witness.

5 2. I received my law degree from the University of California, Boalt Hall School of  
6 Law in May 2000, and passed the bar in December 2000. I practiced law at Weil, Gotshal &  
7 Manges LLP as an associate from 2000 to 2006, where my practice focused exclusively on  
8 intellectual property litigation. I represented Oracle as outside litigation counsel on several patent  
9 cases during this period, performing a wide range of litigation functions, including: taking and  
10 defending depositions; propounding and responding to discovery requests; reviewing documents  
11 and other discovery materials; working with expert witnesses; drafting claim construction,  
12 summary judgment and discovery motions; arguing substantive and procedural motions in court;  
13 and negotiating and drafting settlement and license agreements.

14 3. I joined Oracle as Patent Counsel in 2006 as a member of the Patent Group within  
15 the legal department. My primary job responsibility was managing patent litigation. In this  
16 capacity, I supervised and worked with Oracle's outside litigation counsel in evaluating claims  
17 and defenses and planning case strategy. I served as a liaison between outside counsel and Oracle  
18 employees and coordinated the location, preservation, and collection of documents and other  
19 discovery materials. I provided case assessments and updates for Oracle's Chief Patent Counsel,  
20 General Counsel, and executive management. I reviewed proposed patent litigation settlement  
21 agreements and associated patent license agreements and provided legal advice to internal clients  
22 on those agreements. As a member of the Patent Group, I also spent a relatively small amount of  
23 time (under 15 percent) supervising Oracle's outside patent prosecution counsel and assisting  
24 Oracle's in-house and outside mergers and acquisitions counsel with acquisition-related  
25 intellectual property due diligence. I am not a member of the patent bar, have never drafted a  
26 patent application, and have not supervised or participated in patent prosecution since leaving the  
27 Patent Group in 2008. As a member of the Patent Group, I had no responsibility for commercial  
28 contracts, marketing, employment, pricing, or product development.


1           4.       Because the vast majority of my time and responsibilities was focused on  
2 managing patent litigation, in 2008 I left the Patent Group and joined the Litigation Group. I am  
3 currently a member of that group and my title is Senior Patent Counsel. I report to Deborah  
4 Miller, who leads the Litigation Group. My primary job responsibility continues to be patent  
5 litigation management and my duties in that role are substantially the same as those described in  
6 paragraph 3 above. I am counsel of record for Oracle in the present litigation against Google and  
7 I am actively involved in management of the case. I am similarly involved in other pending  
8 cases. None of the cases that I have managed (other than the present case) has involved efforts by  
9 Oracle to enforce its intellectual property rights against an Oracle competitor. I was not  
10 responsible for the decision to file suit in any of these cases. I am only involved in managing the  
11 cases in my capacity as an in-house litigator in the Litigation Group. While I do occasionally  
12 review product design and development, marketing, and financial documents in the context of  
13 managing ongoing disputes, I have no input into preparing such materials. Nor do I have any  
14 involvement in employment or research and development matters.

15           5.       In addition to litigation management, my duties include evaluation of licensing  
16 demand letters and other patent threats, evaluation of offers to sell or license patents, and  
17 evaluation of patent-related indemnification requests from Oracle customers. I represent Oracle  
18 in responding to third party subpoenas related to intellectual property issues. I also continue to  
19 assist Oracle's in-house and outside mergers and acquisitions counsel with acquisition-related  
20 intellectual property due diligence. In addition to providing legal advice to Oracle management  
21 on the issues described above, I work with Oracle's Government Relations Group on patent-  
22 related legal reform efforts, including consultation and advocacy related to patent reform  
23 legislation pending in Congress. As part of this work, I served as Oracle's representative on the  
24 board of directors of the Coalition for Patent Fairness—a coalition of technology companies  
25 advocating passage of patent reform legislation that will foster innovation and economic growth.

26           6.       Over the years I have occasionally participated in legal conference panel  
27 discussions on intellectual property topics. One such panel discussion referenced by Google in  
28 this dispute, titled "Identifying the Right IP Strategy for Your Business," was at a legal

1 conference in Burlingame, California in July 2006, long before I joined the Litigation Group.  
2 The discussion covered a wide variety of topics, with my contribution focused on the role and  
3 impact of IP litigation. As with all such speaking engagements, I participated in my personal  
4 capacity and not on behalf of Oracle.

5 I declare under penalty of perjury that the foregoing is true and correct and that this  
6 declaration was executed on May 26, 2011 at Redwood Shores, California.

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8 \_\_\_\_\_  
Matthew Sarboraria